

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LUCAS CALIXTO, *et al.*,

Plaintiffs,

vs.

DEPARTMENT OF THE ARMY, *et al.*,

Defendants.

Civil Action No. 18-1551 (ESH)

DEFENDANTS' STATUS REPORT

In accordance with the Court's Order entered on August 13, 2018 (ECF No. 23), Defendants respectfully submit this bi-weekly status report.

1. The Court ordered Defendants to file bi-weekly status reports with any updates regarding the Army's policy on administrative separation procedures applicable to Delayed Entry Program ("DEP") and Delayed Training Program ("DTP") members, as well as any intention to separate any DEP or DTP member in accordance with this policy. ECF No. 23.

2. On October 31, 2018, in accordance with the Court's Order entered on October 17, 2018, Defendants filed a copy of the Army's new policy memorandum, dated October 26, 2018, on administrative separation procedures applicable to members of the DEP and DTP who received or will receive an unfavorable Military Service Suitability Determination ("MSSD"). (ECF No. 50-1).

3. As of the date of this report, no administrative separations have been initiated in accordance with the October 26, 2018 policy memorandum.

4. The Army has offered reinstatement for the purpose of receiving the administrative due process described in the October 26, 2018 policy (paragraph 5) to former members of the

DEP and DTP who were discharged or separated before July 20, 2018 due to an unfavorable MSSD resulting from a documented Counterintelligence concern.

5. In accordance with the October 26, 2018 policy (paragraph 3), on January 3, 2019, the Army sent out the first group of notifications to individuals who received unfavorable Military Service Suitability Recommendations (“MSSRs”). Additional MAVNIs will be notified in the coming weeks.

Dated: February 5, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 5th day of February 2019, I served the foregoing Defendants' Status Report upon counsel for Plaintiffs by filing said document using the Court's Electronic Case Filing System.

Dated: February 5, 2019

/s/ Roberto C. Martens, Jr.
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